

107TH CONGRESS
1ST SESSION

S. 1501

To consolidate in a single independent agency in the Executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2001

Mr. DURBIN (for himself, Mr. TORRICELLI, Ms. MIKULSKI, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To consolidate in a single independent agency in the Executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Safe Food Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

Sec. 4. Establishment of independent Food Safety Administration.

Sec. 5. Consolidation of separate food safety and inspection services and agencies.

Sec. 6. Additional authorities of the Administration.

Sec. 7. Limitation on authorization of appropriations.

Sec. 8. Effective date.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the safety and security of the food supply
4 of the United States requires efficient and effective
5 management of food safety regulations;

6 (2) the safety of the food supply of the United
7 States is facing tremendous pressures with regard
8 to—

9 (A) emerging pathogens and the ability to
10 detect those pathogens;

11 (B) an aging population with a growing
12 number of people at high risk for foodborne ill-
13 nesses;

14 (C) an increasing volume of imported
15 foods, without adequate monitoring and inspec-
16 tion; and

17 (D) maintenance of adequate inspection of
18 the domestic food processing and food service
19 industry;

20 (3) Federal food safety inspection, enforcement,
21 and research efforts should be based on scientifically

1 supportable assessments of risks to public health;
2 and

3 (4) the Federal food safety system is frag-
4 mented, with at least 12 Federal agencies governing
5 food safety.

6 (b) PURPOSES.—The purposes of this Act are—

7 (1) to establish a single agency, to be known as
8 the “Food Safety Administration”, to be responsible
9 for the regulation of food safety and labeling and for
10 conducting food safety inspections to ensure with
11 reasonable certainty, by preventing food-borne ill-
12 nesses due to microbial, natural, or chemical hazards
13 in food, that no harm will result from the consump-
14 tion of food; and

15 (2) to transfer to that agency the food safety,
16 labeling, and inspection functions currently per-
17 formed by other Federal agencies, to achieve more
18 efficient management and effective application of
19 Federal food safety laws for the protection and im-
20 provement of public health.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) ADMINISTRATION.—The term “Administra-
24 tion” means the Food Safety Administration estab-
25 lished under section 4.

1 (2) ADMINISTRATOR.—The term “Adminis-
 2 trator” means the Administrator of Food Safety ap-
 3 pointed under section 4.

4 (3) FOOD SAFETY LAW.—The term “food safety
 5 law” means—

6 (A) the Federal Meat Inspection Act (21
 7 U.S.C. 601 et seq.);

8 (B) the Poultry Products Inspection Act
 9 (21 U.S.C. 451 et seq.);

10 (C) the Egg Products Inspection Act (21
 11 U.S.C. 1031 et seq.);

12 (D) the Federal Food, Drug, and Cosmetic
 13 Act (21 U.S.C. 301 et seq.), regarding food
 14 safety, labeling, and inspection under that Act;
 15 or

16 (E) such other law or portions of a law re-
 17 garding food safety, labeling, and inspection as
 18 the President designates by Executive order as
 19 appropriate to consolidate under the adminis-
 20 tration of the Administration.

21 **SEC. 4. ESTABLISHMENT OF INDEPENDENT FOOD SAFETY**
 22 **ADMINISTRATION.**

23 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—There is established in the
2 Executive branch an agency to be known as the
3 “Food Safety Administration”.

4 (2) STATUS.—The Administration shall be an
5 independent establishment (as defined in section 104
6 of title 5, United States Code).

7 (3) HEAD OF ADMINISTRATION.—The Adminis-
8 tration shall be headed by the Administrator of Food
9 Safety, who shall be appointed by the President, by
10 and with the advice and consent of the Senate.

11 (b) DUTIES.—The Administrator shall—

12 (1) administer and enforce the food safety laws
13 for the protection of the public health; and

14 (2) oversee—

15 (A) implementation of Federal food safety
16 inspection, enforcement, and research efforts,
17 based on scientifically supportable assessments
18 of risks to public health;

19 (B) development of consistent and science-
20 based standards for safe food;

21 (C) coordination and prioritization of food
22 safety research and education programs with
23 other Federal agencies;

1 (D) coordination of the Federal response
 2 to foodborne illness outbreaks with other Fed-
 3 eral agencies and State agencies; and

4 (E) integration of Federal food safety ac-
 5 tivities with State and local agencies.

6 **SEC. 5. CONSOLIDATION OF SEPARATE FOOD SAFETY AND**
 7 **INSPECTION SERVICES AND AGENCIES.**

8 (a) TRANSFER OF FUNCTIONS.—For each Federal
 9 agency specified in subsection (b), there are transferred
 10 to the Administration all functions that the head of the
 11 Federal agency exercised on the day before the effective
 12 date specified in section 8 (including all related functions
 13 of any officer or employee of the Federal agency) that re-
 14 late to administration or enforcement of the food safety
 15 laws, as determined by the President.

16 (b) TRANSFERRED AGENCIES.—The Federal agen-
 17 cies referred to in subsection (a) are—

18 (1) the Food Safety and Inspection Service of
 19 the Department of Agriculture;

20 (2) the Center for Food Safety and Applied Nu-
 21 trition of the Food and Drug Administration;

22 (3) the Center for Veterinary Medicine of the
 23 Food and Drug Administration;

24 (4) the part of the National Marine Fisheries
 25 Service of the National Oceanic and Atmospheric

1 Administration of the Department of Commerce that
2 administers the Seafood Inspection Program; and

3 (5) such other offices, services, or agencies as
4 the President designates by Executive order to carry
5 out this Act.

6 (c) TRANSFER OF ASSETS AND FUNDS.—

7 (1) IN GENERAL.—Consistent with section 1531
8 of title 31, United States Code, the personnel, as-
9 sets, liabilities, contracts, property, records, and un-
10 expended balances of appropriations, authorizations,
11 allocations, and other funds that relate to the func-
12 tions transferred under subsection (a) from a Fed-
13 eral agency shall be transferred to the Administra-
14 tion.

15 (2) UNEXPENDED FUNDS.—Unexpended funds
16 transferred under this subsection shall be used by
17 the Administration only for the purposes for which
18 the funds were originally authorized and appro-
19 priated.

20 (d) REFERENCES.—After the transfer of functions
21 from a Federal agency under subsection (a), any reference
22 in any other Federal law, Executive order, rule, regulation,
23 document, or other material to that Federal agency or the
24 head of that agency in connection with the administration
25 or enforcement of the food safety laws shall be deemed

1 to be a reference to the Administration or the Adminis-
 2 trator, respectively.

3 (e) SAVINGS PROVISIONS.—The transfer of functions
 4 from a Federal agency under subsection (a) shall not
 5 affect—

6 (1) an order, determination, rule, regulation,
 7 permit, agreement, grant, contract, certificate, li-
 8 cense, registration, privilege, or other administrative
 9 action issued, made, granted, or otherwise in effect
 10 or final with respect to that agency on the day be-
 11 fore the transfer date with respect to the transferred
 12 functions; or

13 (2) any civil action commenced with regard to
 14 that agency, and any other proceeding (including a
 15 notice of proposed rulemaking), or any application
 16 for any license, permit, certificate, or financial as-
 17 sistance pending before that agency on the day be-
 18 fore the transfer date with respect to the transferred
 19 functions.

20 **SEC. 6. ADDITIONAL AUTHORITIES OF THE ADMINISTRA-**
 21 **TION.**

22 (a) OFFICERS AND EMPLOYEES.—The Administrator
 23 may appoint officers and employees for the Administration
 24 in accordance with the provisions of title 5, United States
 25 Code, relating to appointment in the competitive service,

1 and fix the compensation of the officers and employees
2 in accordance with chapter 51 and with subchapter III of
3 chapter 53 of that title, relating to classification and Gen-
4 eral Schedule pay rates.

5 (b) EXPERTS AND CONSULTANTS.—The Adminis-
6 trator may procure the services of experts and consultants
7 as authorized by section 3109 of title 5, United States
8 Code, and pay in connection with the services travel ex-
9 penses of individuals, including transportation and per
10 diem in lieu of subsistence while away from the homes or
11 regular places of business of the individuals, as authorized
12 by section 5703 of that title.

13 (c) BUREAUS, OFFICES, AND DIVISIONS.—The Ad-
14 ministrator may establish within the Administration such
15 bureaus, offices, and divisions as the Administrator deter-
16 mines are necessary to perform the duties of the Adminis-
17 trator.

18 (d) RULES.—The Administrator may prescribe, in ac-
19 cordance with chapters 5 and 6 of title 5, United States
20 Code, such rules as the Administrator determines are nec-
21 essary or appropriate to perform the duties of the Admin-
22 istrator.

1 **SEC. 7. LIMITATION ON AUTHORIZATION OF APPROPRIA-**
2 **TIONS.**

3 For the fiscal year that includes the effective date
4 of this Act, the amount authorized to be appropriated to
5 carry out this Act shall not exceed—

6 (1) the amount appropriated for that fiscal year
7 for the Federal agencies identified in section 5(b) for
8 the purpose of administering or enforcing the food
9 safety laws; or

10 (2) the amount appropriated for those agencies
11 for that purpose for the preceding fiscal year, if, as
12 of the effective date of this Act, appropriations for
13 those agencies for the fiscal year that includes the
14 effective date have not yet been made.

15 **SEC. 8. EFFECTIVE DATE.**

16 This Act takes effect on the earlier of—

17 (1) the date that is 180 days after the date of
18 enactment of this Act; and

19 (2) such date during that 180-day period as the
20 President may direct by Executive order.

